(4)

(5)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BILASPUR.

MISC. WRIT PETITION NO. 464 / 2001

PETITIONER — JILA VANOPAJ SAHKARI SANG MARYADIT
BHANUPRATAPPUR THROUGH
PRABHANDH SANCHALAK
DISTT. KANKER (C.G.).

VERSUS

RESPONDENTS

1. ARVIND SONKAR,
S/o. SHRI GANGARAM SONKAR,
R/o. DEVENDRA CYCLE STORES,
NANDAI CHOWK,
DISTT. RAJNANDGAON (C.G.).

2. PRESIDING OFFICER,
LABOUR COURT,
DISTT. RAJNANDGAON (C.G.).

3. DIVISIONAL FOREST OFFICER (REGULAR),
FOREST DIVISION, BHANUPRATAPPUR,
DISTT. KANKER (C.G.).

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRIT IN THE NATURE OF MANDAMAS AND ANY OTHER DIRECTION OR ORDER AS DEEMED FIT.

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(46)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.464 OF 2001

Petitioner : Jila Vanopaj Sahkari Sang Maryadit Bhanupratappur

versus

Respondents : Arvind Sonkar and others

Present : Mr. Pradeep Saxena, counsel for the petitioner.
Mr. H.B.Agrawal, Senior Advocate with Mr. Manish Agrawal, counsel for respondent No.1.
Mr. A.S.Kachhawaha, Government Advocate for respondent No.3/State.

ORDER
(Passed on 20th of November, 2006)

Learned counsel appearing for the petitioner submits that the request of the petitioner (non-applicant) to engage services of an Advocate was rejected by the impugned order dated 1-12-2000 (Annexure P-1), when respondent No.1 (applicant) was permitted to appear before the Labour Court through an Advocate, who happened to be a union representative.

2. On perusal of the papers, it appears that the Labour Court has not followed basic principles of law to the extent that if a party is represented through an Advocate, who has expertise in law, the other party cannot be denied the opportunity of having assistance of a legal

practitioner, i.e., Advocate. This amounts to clear violation of right to equality before law enshrined in Articles 14 and 16 of the Constitution of India.

3. Thus, the impugned order dated 1-12-2000 (Annexure P-1) deserves to be set aside and is accordingly set aside. The writ petition is allowed. The matter is remitted back to the Labour Court for granting permission to the petitioner (non-applicant) to engage services of a legal practitioner when respondent No.1 (applicant) is represented through an Advocate. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal